THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION No.15377 of 2006

DATE: 31.07.2006

Between:

M. Murali

… PETITIONER

AND

APSRTC, rep., by its MD.,
Hyderabad & another.

… RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION No.15377 of 2006

ORDER:-

This writ petition is filed to declare the suspension order dated 05.07.2006 issued by the 2nd respondent as illegal, unjust, contrary to law and violative of Articles 14, 16 and 21 of the Constitution of India.

The case of the petitioner is that he joined in the service of the respondent – Corporation as Conductor on 04.01.1979. He went on sick leave from 11.06.2006 to 17.06.2006. He underwent operation during the period of sick leave on 12.06.2006, and thereafter, was on bed rest, as advised by the doctor. He submits that on 16.06.2006 when he went to obtain bus pass of his son, the 2nd respondent, knowing fully about his sickness, instructed him to join duty. He submits that the 2nd respondent with an intention to implicate him illegally, without there being any material, issued charge sheet and suspended him by the impugned order. Against the suspension order, the petitioner submitted his explanation on 10.07.2006 denying the charges to the 2nd respondent, but the same has not been considered so far. Aggrieved by the suspension order, dated 05.07.2006, the present writ petition has been filed.

Learned counsel for the petitioner submits that the petitioner has been intentionally implicated, he has nothing to do with the charges

alleged against him, and placing him under suspension on the said charges, is illegal and arbitrary. He further submits that the petitioner submitted his explanation to the

2nd respondent, but so far the same has not been considered.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent corporation.

Suspension of an employee, pending enquiry is not a punishment. In the case on hand, the petitioner has already submitted his explanation to the charge sheet dated 5.7.2006 and till date no orders were passed thereon and the same is pending consideration. Since, the petitioner has already submitted his explanation, it is for the concerned authorities to consider the same and take an appropriate decision in the matter and this Court at this stage, cannot direct the respondents to raise the suspension order.

Having regard to the fact that the petitioner has already submitted his explanation and the same is pending with the respondents, I deem it appropriate to dispose of the writ petition directing the respondents to examine the matter taking into consideration the explanation and material submitted by the petitioner and take an appropriate decision with regard to continuation or otherwise of the petitioner under suspension and pass appropriate orders expeditiously.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J

Date: 31.07.2006
ES/GRK